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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 10/549,270   | 09/13/2005  | Osamu Okauchi          | OKUDP0132US         | 1681             |
| 51921 7590 10/08/2008<br>MARK D. SARALINO (PAN)<br>RENNER, OTTO, BOISSELLE & SKLAR, LLP<br>1621 EUCLID AVENUE<br>19TH FLOOR<br>CLEVELAND, OH 44115 |             |                        |                     |                  |
| EXAMINER<br>DUNN, MISHAWN N  |             |                        |                     |                  |
| ART UNIT<br>2621   |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>10/08/2008  |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,270

**Applicant(s)**

OKAUCHI ET AL.

**Examiner**

MISHAWN DUNN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 9/05  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al. (US Pat. No. 6,738,559).

3. Consider claim 1. Yoo et al. teaches a data processor for transferring a data stream to a connected device, the data stream including video data, audio data and management data to control playback of the video data and audio data and being stored in a first format on a storage medium, the data processor comprising: an interface section, which communicates with the device to acquire format information about a second format that is compatible with the device; a reading section for reading the data stream from the storage medium; a reading control section for determining, based on the format information, whether or not the format of the data stream needs to be converted; and a converting section for outputting the data stream either after having converted the first format of the data stream into the second format or without converting the format of the data stream as determined by the reading control section wherein the interface section transmits the data stream, which has been output from the converting section, to the device (col. 6, line 47 – col. 7, line 31; figs. 1, 2, and 5).

4. Consider claim 2. Yoo et al. teaches the data processor of claim 1, wherein the converting section changes the management data of the data stream into management data that is compatible with the second format, thereby converting the first format of the data stream into the second format (col. 6, line 47 – col. 7, line 31).
5. Consider claim 3. Yoo et al. teaches the data processor of claim 2, wherein the converting section converts the format of the data stream into the second format without altering the video data and the audio data themselves (col. 6, line 47 – col. 7, line 31).
6. Claims 6-8 are rejected using similar reasoning as the corresponding claims above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo et al. (US Pat. No. 6,738,559) in view of Okamura (JP Pub. No. 2002-142182).
9. Consider claim 4. Yoo et al. teaches all claimed limitations as stated above, except wherein the reading section changes the read rates of the data stream depending on whether or not the format needs to be converted.

However, Okamura teaches wherein the reading section changes the read rates of the data stream depending on whether or not the format needs to be converted (paras. 0038-0042).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to change the read rates of the data stream depending on whether or not the format needs to be converted, in order to improve the transmission speed.

10. Consider claim 5. Okamura teaches the data processor of claim 4, wherein the reading section reads the data stream at a first rate if the format needs to be converted, but reads the data stream at a second rate, which is higher than the first rate, if the format need not be converted (paras. 0038-0042).

11. Claims 9 and 10 are rejected using similar reasoning as the corresponding claims above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
September 27, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621